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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,081	06/15/2001	Karel-Jan Van Der Toorn	NL 000327	9487

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

WILSON, LEE D

ART UNIT	PAPER NUMBER
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3723

22

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/882,081

Applicant(s)

VAN DER TOORN, KAREL-JAN

Examiner

LEE D WILSON

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-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell (6152435).

a. Snell discloses a holder having a base plate (20), a guide member (24) with two guides (60&62) with two tapering sides and three guides (fig.3B).

b. Snell does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use the holder is being used for. (Note: a holder is often named on bases of its intended use but that may not be the only use for the workholder.)

3. Claims 1-2, 4, and 7- 9 under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920).

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a. Engibarov discloses a holder having a base plate (10), a guide member (18) with three guides with two tapering sides (see fig.7 which element 29 has two tapering sides or fig.9 with elements 66&68, all of these read) and the guide is secured (col.3, lines 24-27) to a slot (20) by nut (19) and bolt (25).

b. Engibarov does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use the holder is being used for. (Note: a holder is often named on bases of its intended use but that may not be the only use for the workholder.)

d. In regard to claim 6, Engibarov discloses the claimed invention except for aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made nuts and bolt out of aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

e. In regard to claim 8, Engibarov discloses the claimed invention except for a material having a low coefficient of friction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made a guide member out of a material with a low coefficient of friction, since it has been held to be within the general skill of a worker in the

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art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of McConkey (5074536).

a. Engibarov is discussed above.

b. Engibarov does not disclose guide members with a trapezodial shape.

c. McConkey discloses a holder having guide members with a trapezodial shape (15&18) which is an alternative shape used to hold a workpiece.

d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a trapezoidal shape as taught by McConkey which used as an alternative shape used to hold a workpiece.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Gaither (3626600).

a. Engibarov is discussed above.

b. Engibarov does not disclose guide members with a trapezodial shape.

c. Gaither discloses a holder having a guide member (19) and a base (18) that is graduated which allows the movements of the guide member to be measured.

d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a base that is graduated as taught by Gaither which allows the movements of the guide member to be measured.

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7-9 above, and further in view of Takisawa et al (6383890).

- a. Engibarov is discussed above.
- b. Engibarov does not disclose a detection means.
- c. Takisawa et al disclose a holder having a detection means which allows the position of the workpiece to be determined.
- d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a position sensor as taught by Takisawa et al which allows the position of the workpiece to be determined.

Response to Arguments

7. **Applicant's arguments filed 9/5/03 have been fully considered but they are not persuasive.**

8. **Applicant was contacted by the examiner.**

- a. The examiner wanted to discuss the language of the claim in view of the arguments. Several phone calls were placed to the applicant before finding out that the attorney was out on a business. The applicant is **still welcome** to call the examiner.

9. **Applicant had amended claim to read over the prior art.**

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a. The old position of the applicant was the reciting of the new language “and identically situated” and “upon each introduction to the holder”. The applicant has amended a limitation which recites the limitation “can be aligned”. This means that it does not have to be the case because it can be aligned. Applicant is leaving open the possibilities that different cassettes may be used. These limitations are really true with any workpiece because if the workpiece sits on the holder it will automatically be identically situated with respect to the base plate upon each introduction of the workpiece to the holder. This is inherent in the design.

b. Applicant has removed “can be” language. The problem is that the claim is making an assertion that is true of the prior art. The jaws can be preset to fit the workpiece like a jig and when then you just set the same workpieces back in the so called jig which is the claimed holder and it will be identically situated upon each introduction of the workpiece. If the applicant has structure that performs this automatically without being preset or some structure that performs this function, please place it in the claims.

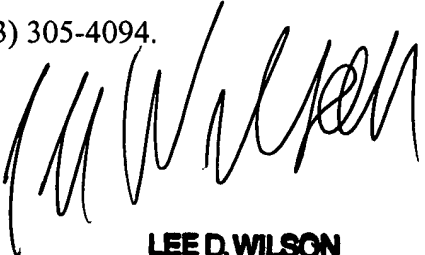
c. Therefore, the present rejection has been repeated because the point of the different intended uses also does not define the prior art over the invention. Intended use most of the time depends upon what the individual user wants to use the tool for.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Wilson whose telephone number is (703) 305-4094.

ldw

September 26, 2003



**LEE D. WILSON
PRIMARY EXAMINER**